

*GAK 3304*  
3711  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN RE APPLICATION OF**

Michael J. Sullivan

**FOR**

**IMPROVED MULTI-LAYER  
GOLF BALL**

**SERIAL NO.**

09/121,628

**FILED**

July 23, 1998

**EXAMINER**

M. Graham (of the parent)

**ART UNIT**

3304 (of the parent)

**RECEIVED**

*OCT - 6 1998*

**LAST OFFICE ACTION**

N/A

*TECHNOLOGY CENTER 3700*

**ATTORNEY DOCKET NO.**

SLD 2 035-1-1-1

Cleveland, Ohio 44114  
September 28, 1998

**Supplemental Communication**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

This communication is presented to provide additional evidence of the nonobviousness of the claimed subject matter. The commercial embodiment of the present invention is the Top-Flite® Strata™ golf ball. Spalding, Top-Flite's parent company, has experienced incredible success in terms of sales, praise within the industry, and wide-spread adoption throughout the golf industry and related fields of its Strata™ balls.

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**CERTIFICATE OF MAILING**

I hereby certify that this Supplemental Communication  
is being deposited with the United States Postal Service as first class  
mail in an envelope addressed to: Assistant Commissioner for Patents,  
Washington, D.C. 20231 on September 28, 1998.

By: Mary Ann Temesvari  
Mary Ann Temesvari

Applicant previously presented evidence of the outstanding commercial success of the Top-Flite® Strata™ golf ball in a Preliminary Amendment filed on July 23, 1998, concurrently with the filing of this application.

This Supplemental Communication is submitted to present additional information obtained since the filing of this application and Preliminary Amendment, pertaining to the commercial success of the present invention.

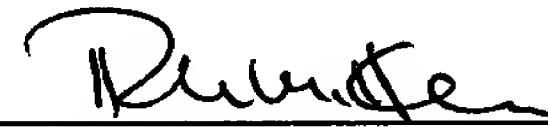
Exhibit 1 notes that the Strata™ ball is the number one multi-layer ball on tour. The significant advantage and increase in tour rankings by utilizing the Strata™ ball is also illustrated.

Exhibits 2-4 announce the winner of the 62nd Masters and the 1998 British Open, Mark O'Meara utilizing the Strata™ ball.

Exhibits 5 and 6 illustrate the remarkable commercial success and adoption in the industry of the Strata™ ball.

Respectfully submitted,

FAY, SHARPE, BEALL,  
FAGAN, MINNICH & McKee



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EX - 1

# STRATA: THE #1 MULTI-LAYER BALL ON TOUR.



**Soft ZS Balata™  
cover for maximum  
spin control**

**Firm inner layer  
for distance**

**Soft, high  
energy core  
for Tour feel**

In April 1996, Mark O'Meara switched from a wound ball and became the first PGA Tour Professional to play our new multi-layer Strata. Later that month, he used it to win the Greater Greensboro Open. In May, D.A. Weibring also switched to the Strata and, he promptly won the Greater Hartford Open. Like anything else on Tour that performs this well, the ball caught on. Today, over 150 touring professionals representing every Tour worldwide make the Top-Flite Strata their ball of choice.

The Strata's breakthrough multi-layer

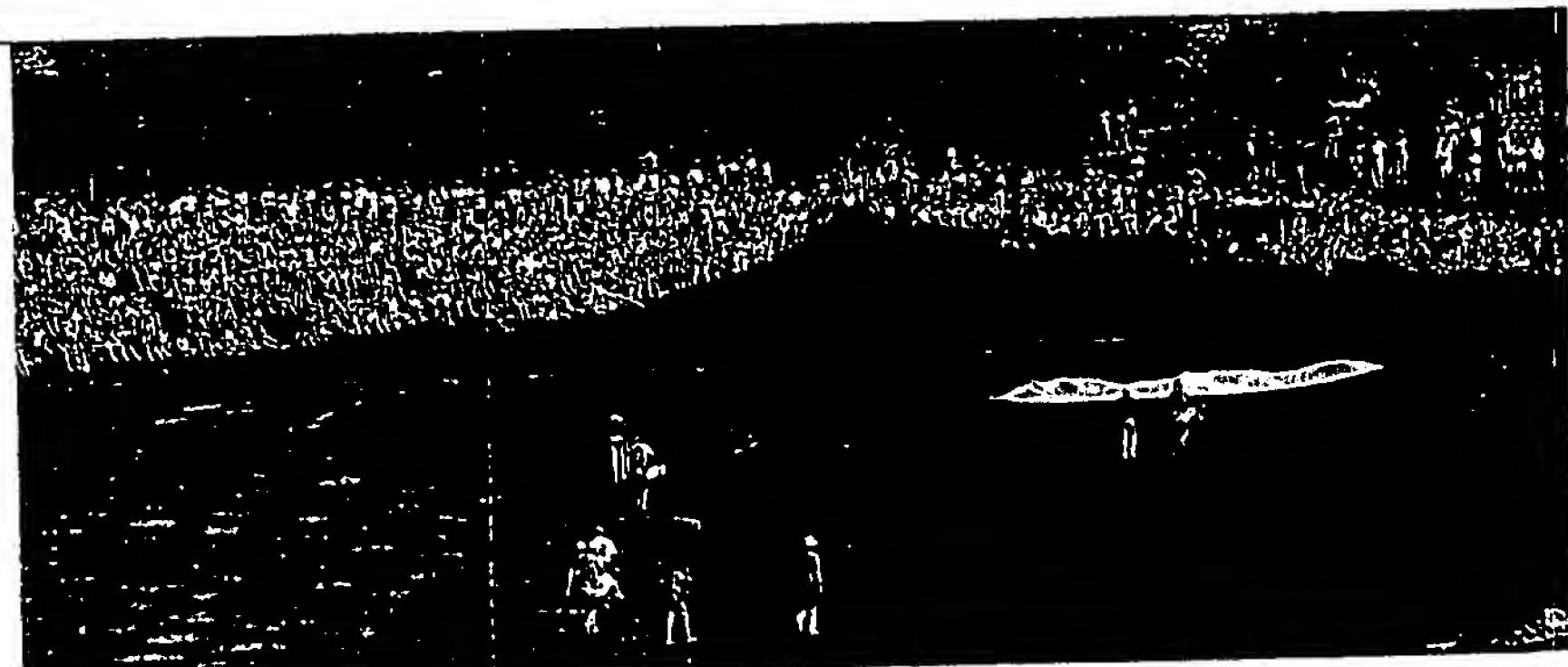


**Jim Furyk, 11 TOP-TEN FINISHES,  
RYDER CUP TEAM MEMBER 1997**

construction continues to redefine performance for top pros. Its firm inner layer produces long distance off the tee, while its super soft ZS Balata™ cover and patented high energy core combine to produce unequalled spin and control around the green. What you get is a ball that performs from tee to green. One that helped Jim Furyk post 11 top-ten finishes during the 1997 season.

Of course, we've adapted the multi-layer technology to perform well for the low handicap player as well. The Strata Advance uses the same multi-layer Strata Tour construction. But it features a Hyper-Elastic inner layer for additional distance off woods and long irons while the soft, cut-proof Z-Balata cover and high energy core deliver fantastic feel and spin on short irons around the green.

So, whether it's the Strata Tour for unmatched control or the



## TOUR RANKINGS

Tour Player	Before Strata	After Strata
Mark O'Meara	20	8
Jim Furyk	48	20
Paul Stankowski	55	26
Bill Glasson	52	39
David Ognn	103	59

Strata Advance for additional distance, why not buy a sleeve from your pro shop and test them against your regular ball? After all, the Strata's breakthrough multi-layer technology has worked for the top pros. We're confident it will help to improve your game as well.



**In only eighteen  
months, 150 tour  
professionals world-  
wide have switched  
to the Strata Tour.  
With outstanding  
results, 28 first  
place finishes and  
hundreds more in  
the top ten.**



**BILL GLASSON  
1997 LAS VEGAS  
INVITATIONAL**



**MARK O'MEARA  
1997 AT&T PEBBLE  
BEACH PRO-AM**



**PAUL STANKOWSKI  
1997 UNITED AIRLINES  
HAWAIIAN OPEN**

DEDICATED TO IMPROVING YOUR GAME.

**TOP FLITE**

*Ex.2*



RECYCLED

ALL-STATE® LEGAL 800-222-4510 ED11

# MEET THE NEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA.



CONGRATULATIONS MARK O'MEARA,  
THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates Mark O'Meara for winning his first green jacket and his first major tournament as a professional.



**SPALDING®**

**TOP FLITE**

Etonic

Ex. 3



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

# PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA 1998 MASTERS CHAMPION  
1998 BRITISH OPEN CHAMPION

## 1998 MAJOR WINS

<b>TOP-FLITE</b>	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



TECHNOLOGY TO IMPROVE YOUR GAME. **TOP FLITE**

A TRADITION IN GOLF FOR OVER 100 YEARS. **SPALDING**.

*OKAY*



RECYCLED

ALL-STATE® LEGAL 800-222-0510 ED11

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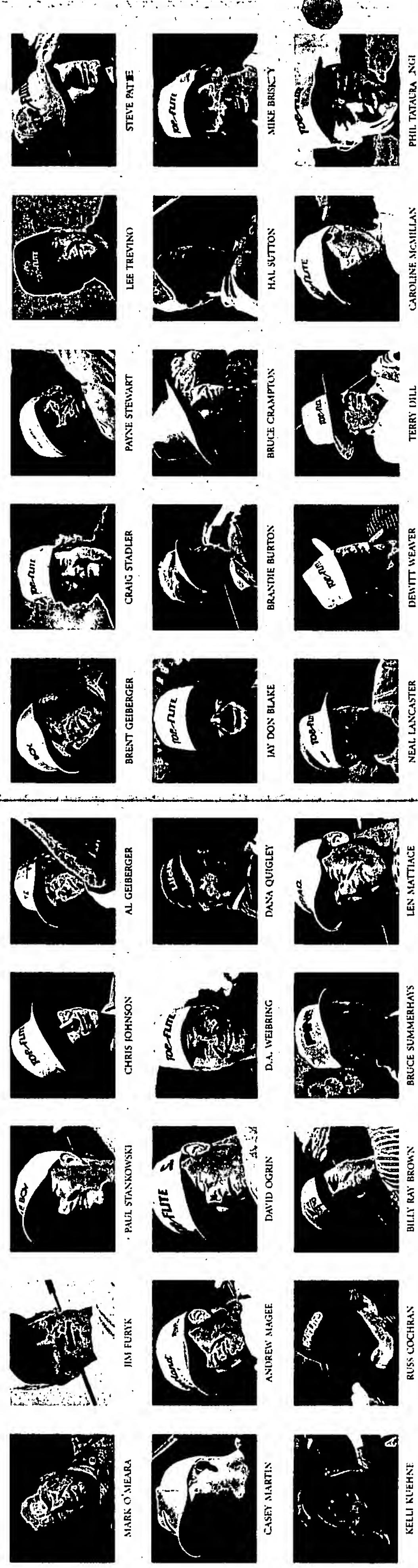
Ex-5



RECYCLED

ALL STATE® LEGAL 800-222-0510 ED11

# IN EIGHTEEN MONTHS OVER 250 TOUR PLAYERS HAVE SWITCHED TO THE TOP-FLITE® STRATA™. CARE TO JOIN THEM?



Since 1996, over 250 Tour professionals worldwide have switched to the Strata Tour. With outstanding results, 28 first place finishes and hundreds more in the Top Ten. Small wonder it's caught on. The Strata's breakthrough multi-layer construction utilizes a firm inner layer that plays long off the tee, while its super-soft ZS Balata™ cover and patented high energy core combine for unequalled spin and control around the green. It's improved their game; without a doubt, it'll help yours.

**DEDICATED TO IMPROVING YOUR GAME. *TOP FLITE***

*Ex. 6*

HOWEVER, IT SEEMS TO  
BE CATCHING ON.

# HOWEVER, IT SEEEMS TO BE CATCHING ON.